



# County Road Association of Michigan

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The 83 County Road Agencies of Michigan

Established 1918

**JOHN D. NIEMELA**  
Director

90,162 MILES OF ROADS

August 25, 2009

State Representative  
P.O. Box 30014  
Lansing, MI 48909

Dear Representative,

Legislation recently passed the Michigan House of Representatives revealing that some members may not fully understand the impact Michigan's freeze-thaw cycle has on our roads. We wanted to share our concerns with you on legislation to increase exemptions to seasonal weight limits.

Seasonal weight restrictions are essential to reduce damage caused by heavy weight vehicles during the freeze-thaw cycle of spring. As the ground thaws, water is forced toward the surface exerting pressure under the pavement, as well as the shoulders and ditch slopes. This causes weak spots in the pavement and makes the pavement surface more prone to damage. The heavier the vehicle, the greater possible damage it poses to roads.

Despite the claims of certain industries, seasonal weight restrictions do not prohibit commerce. On average, road commission weight restrictions last only five to six weeks, ranging from March thru May. During the weight restriction period, trucks traveling on "posted/restricted" roads are required to carry lighter loads (reduce legal load limit by 25 to 35 percent depending on the road surface) and travel at slower speeds.

A divisible load is any load which can be divided to reduce the weight or size of the cargo. In recent legislative sessions, bills have been introduced to allow exemptions for certain industries capable of complying with seasonal weight restrictions by reducing their loads including; public utilities, propane, home fuel, refuse disposal, well-drillers and septage disposal.

Some industries claim that Michigan is the only state with "frost-laws." Although this may be localized terminology, at least 18 states, and all Canadian provinces have some type of seasonal weight restriction.

Even with seasonal weight restrictions, local roads are taking a big hit each year. Michigan's county road agencies are working to improve roads to accommodate commercial vehicles and create more all season roads for Michigan's economy, but the state cannot afford to make all Michigan roads all-season or class "A" roads.

Although funding needs to be increased to expand all-season roads (Transportation Economic Development Fund, Category 'D' Funding), it is not reasonable to expect that all of Michigan's 122,000 miles of road can meet this standard. We must rely on sound engineering criterion to tell us which roads can handle legal loads, and which roads need to see a weight reduction.

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Certain industries continually ask the legislature to exempt them from frost-laws. This is not in the best interest of motorists or Michigan's aging road network. Enforcement of seasonal weight restrictions is critical to minimize damage to Michigan's local roads, and to preserve the investment we have in our road and bridge infrastructure.

The county road law (MCL230.7) gives road commissions the authority to recover for damages to the road system. However, House Bill 4999 puts road commissions in a position of having to track down subcontractors, whose headquarters may be out of state, to recoup any loss from damaged roads.

CRAM had requested an amendment to House Bill 4999 to ensure that public utilities were accountable for the actions of their subcontractors.

In the home building industry, the homeowner does not have to track down the subcontractor for resolution- the builder is responsible for the work of their subcontractor. In the same manner, utility companies should be responsible for the work of their subcontractors- not the road owners.

The utility companies claimed that "denying subcontractors access to county roads unnecessarily degrades utility efficiency and reliability efforts." Subcontractors already had access to county roads in emergency situations. At a time when funding for Michigan roads is at historic lows, it is unreasonable to make our transportation infrastructure pay the price for poor planning. In most cases regular maintenance, trimming trees and new hook-ups can be scheduled around the average five to six week weight restriction period. In other cases, the weights of these trucks can be reduced.

House Bill 4999 places the interests of the utility companies above those of local communities that are concerned with the roads, shoulders and ditches, and the residents who must suffer when their roads are damaged. In many instances the damage to these roads causes temporary closures which leads to emergency service delays.

**This legislation also creates a slippery slope by allowing a private for-profit industry to access a seasonal truck permit for non-emergency routine maintenance. This opens the door for the myriad of for-profit industries seeking waivers.**

A memorandum from Michigan's Energy Industry also suggests that road agencies can deny permits when conditions warrant. Although this is true, a provision in HB 4999 may allow some to circumvent this rule. The legislation requires road commissions to respond to all permit requests within 24 hours or they are automatically approved. CRAM requested amendments to clarify that this did not include weekends or holidays, but the bill sponsor rejected this amendment and others to improve the permit process.

A primer on seasonal weight restrictions is attached. Please feel free to contact me or our Deputy Director, Ed Noyola, if you have questions on this or any other road related legislation. We would be happy to serve as a resource to you.

Respectfully,

John D. Niemela  
Director



## COUNTY ROAD ASSOCIATION OF MICHIGAN

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### **Seasonal Weight Limits and Divisible Loads**

#### **Seasonal Weight Limits**

By law, road agencies may enact seasonal weight restrictions whenever conditions warrant it. Seasonal weight restrictions are enacted by road agencies to minimize damage caused by Michigan's seasonal thaw.

Road agencies use sound engineering judgment to apply weight restrictions as conditions warrant, on average road commission weight restrictions last 5 to 6 weeks, typically occurring from March thru May.

Weight restrictions are necessary to reduce damage caused by heavy weight vehicles during the freeze-thaw cycle of spring. As the ground thaws, water is forced toward the surface exerting pressure under the pavement, as well as the shoulders and ditch slopes. This causes weak spots in the pavement and makes the pavement surface more prone to damage. The heavier the vehicle, the greater possible damage it poses to roads. During the weight restriction period, trucks traveling on "posted/restricted" roads are required to carry lighter loads (reduce legal load limit by 25 to 35 percent depending on the road surface) and travel at slower speeds.

Even with weight restrictions, local roads are taking a big hit each year. Michigan's county road agencies are working to improve roads to accommodate commercial vehicles and create more all season roads for Michigan's economy, but we cannot afford to make all Michigan roads all-season status. Therefore, enforcement of seasonal weight restrictions is critical to minimize damage to Michigan's local roads, and to preserve the investment we have in our road and bridge infrastructure.

#### **CRAM Policy Position**

In order to protect roads in Michigan, the legislature has established weight limits for vehicles traveling on roads in Michigan. In addition, they have provided local agencies the authority to reduce weight limits at certain times. The law also allows local agencies to establish a process to permit vehicles that are overweight and oversize to travel on locally designated roads.

CRAM opposes any legislation that would exempt any vehicles from meeting legal weight limits on county roads.

#### **Divisible Loads**

A divisible load is any load which can be divided to reduce the weight or size of the cargo. In recent legislative sessions, legislation has been introduced to allow waivers for certain industries capable of complying with seasonal weight restrictions (public utilities, propane, home fuel, refuse disposal, septage disposal). All of these industries are capable of reducing truck weights. It is not in the public interest to put the convenience of private corporations above the needs of Michigan residents to have a safe and reliable local road system.

### **Do other states have frost laws?**

Some industries have complained to legislators that Michigan is the only state with frost laws. This is simply not true! Although, other states may not refer to their seasonal weight restrictions as “frost laws,” at least 18 states and all of the Canadian provinces have some type of spring weight restrictions! As the chart below shows, the majority of northern tier states have measures in effect to protect roads from damage during the freeze-thaw cycle.

<b>State</b>	<b>Statute</b>
Alaska	17 AAC 25.100
Iowa	321.471
Idaho	49-1005
Maine	29-2395
Michigan	MCL 257.722
Minnesota	Sec. 169.87
Montana	MCA-61-10-144
Nebraska	NSS 60-6,298
Nevada	NRS 484
New Hampshire	231:191
New York	Vehicle and Traffic Law 1660
North Dakota	39-12-03
Oregon	ORS 810.030
Pennsylvania	49-4902
South Dakota	SDCL 32-22-24
Vermont	19 V.S.A. Section 1110(a)
Washington	RCW 46.44.080
Wisconsin	348.17, 349.16

### **Why are some roads restricted and not others?**

Unless a roadway has been designed and constructed for heavy vehicle loads year-round and designated to be an **All-Season Road**, a significant loss of strength occurs during a seasonal thaw period. Because it is much more expensive to construct a road to all-season status, this is typically only done for roads with heavy traffic volumes, including commercial traffic.

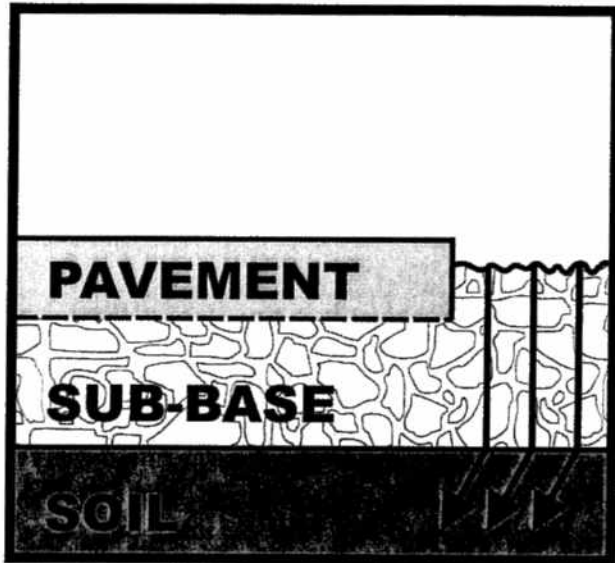
### **What are the restrictions?**

The damage to a road is directly related to the amount and frequency of the loading applied. Along with reduced loading provisions (25% reduction for concrete roads, 35% for all other road surfaces) are reduced speeds. For vehicles over 10,000 pounds the speed limit drops to a maximum of 35 mph, regardless of the posted limit. Speed, in conjunction with axle and wheel loading, contributes to road damage including the creation of potholes.

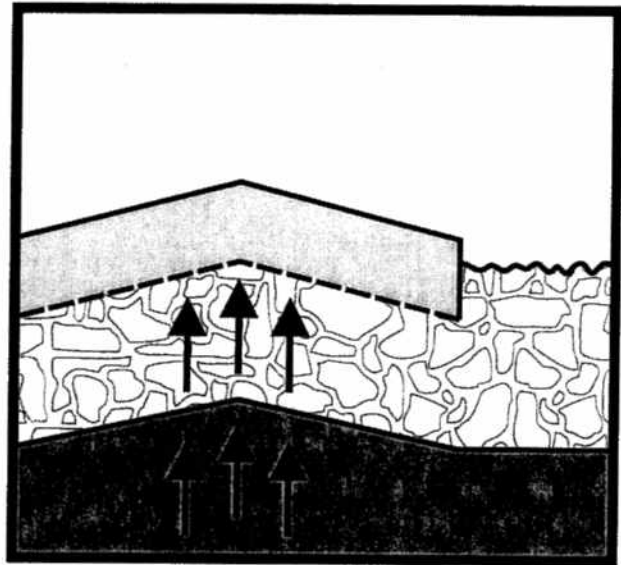
### **Why are roads more at risk during the spring thaw?**

Spring temperatures warm the cold pavement, melting and evaporating any ice underneath the pavement. This creates air/water pockets that can eventually cause the pavement to break up. A winter of subfreezing temperatures, heavy snow or rain and several freeze-thaw cycles can lead to a big pothole season. A description of how potholes are created follows:

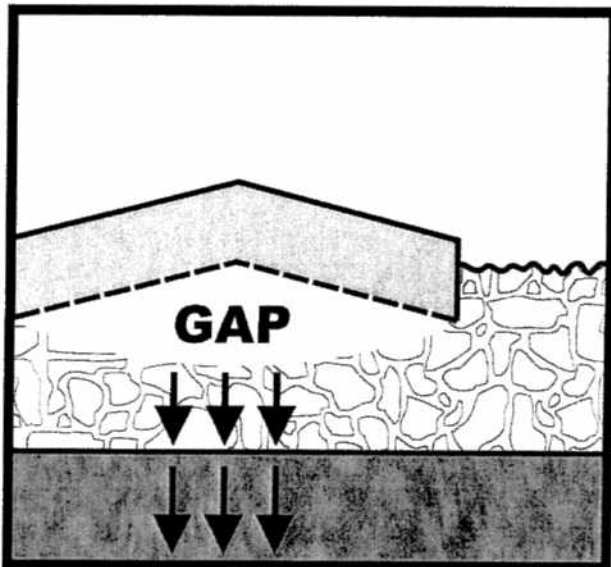
# Birth of a Pothole



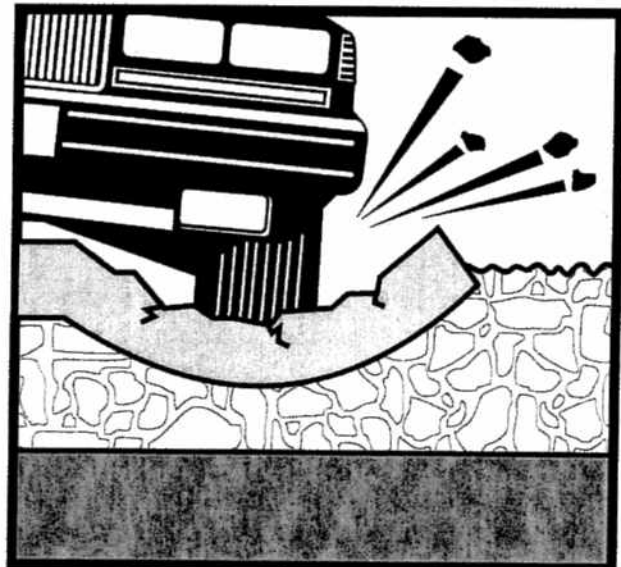
Potholes begin after snow or rain seeps into the soil below the road surface.



The moisture freezes when temperatures drop, causing the ground to expand and push the pavement up.



As temperatures rise, the ground returns to normal level but the pavement often remains raised. This creates a gap between the pavement and the ground below it.



When vehicles drive over this cavity, the pavement surface cracks and falls into the hollow space, leading to the birth of another pothole.

### **What exemptions are currently allowed under Michigan Law?**

MCL 257.722(5) The exception to the loading maximums and gross vehicle weight requirements of subsection (11) under subsection (7) for a person hauling agricultural commodities or a public utility vehicle applies only if the person who picks up or delivers the agricultural commodity either from a farm or to a farm or the public utility notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person or the public utility and charge a fee that does not exceed the administrative costs incurred. The permit shall contain the following: (a) The designated route or routes of travel for the load. (b) The date and time period requested by the person who picks up or delivers the agricultural commodities or the public utility during which the load may be delivered or picked up. (c) A maximum speed limit of travel, if necessary. (d) Any other specific conditions agreed to between the parties.

### **Milk Hauler Exemption**

MCL 257.722(8) The state transportation department for roads under its jurisdiction and a county road commission for roads under its jurisdiction may grant exemptions from seasonal weight restrictions for milk on specified routes when requested in writing. Approval or denial of a request for an exemption shall be given by written notice to the applicant within 30 days after the date of submission of the application. If a request is denied, the written notice shall state the reason for denial and alternate routes for which the permit may be issued. The applicant shall have the right to appeal to the state transportation commission or the county road commission. These exemptions shall not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 14, 1993. This subsection does not limit the ability of these counties to continue to negotiate such agreements.

### **Agricultural Commodities Defined**

MCL 257.722(12) As used in this section, "agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term "agricultural commodities" shall not include trees and lumber.

### **Public Utility Vehicle Defined**

The definition of a Public Utility Vehicle is taken from MCL 460.501. The term "public utility," when used in this act, means persons and corporations, other than municipal corporations, or their lessees, trustees and receivers now or hereafter owning or operating in this state equipment or facilities for producing, generating, transmitting, delivering or furnishing gas or electricity for the production of light, heat or power to or for the public for compensation.



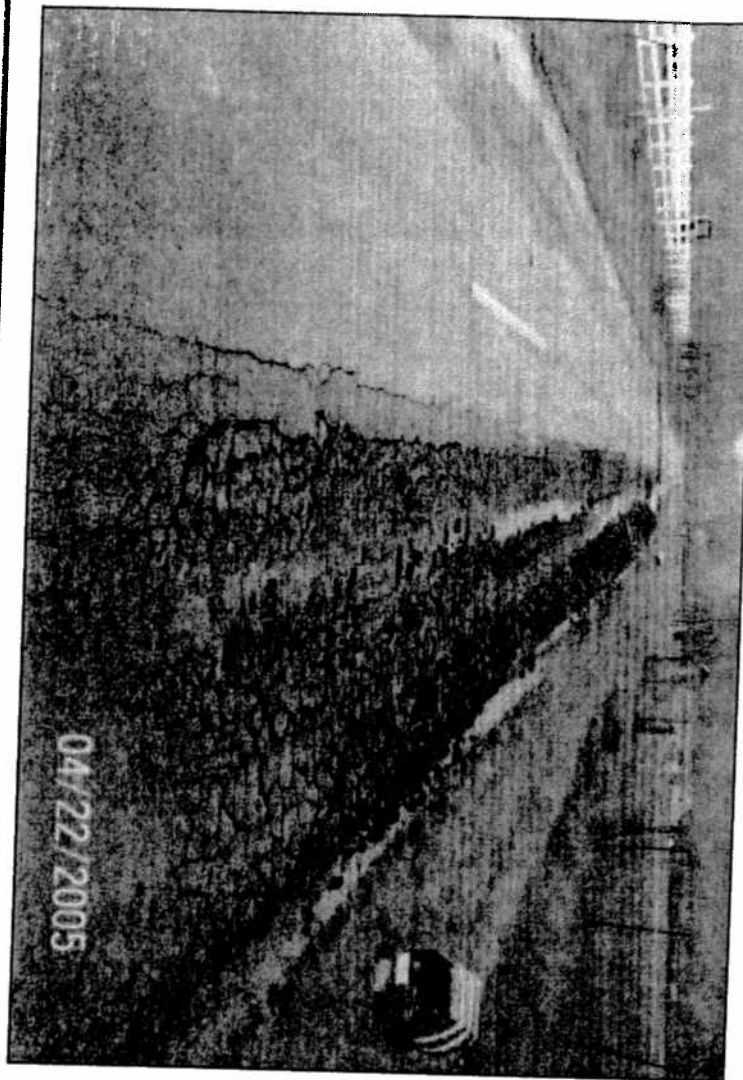
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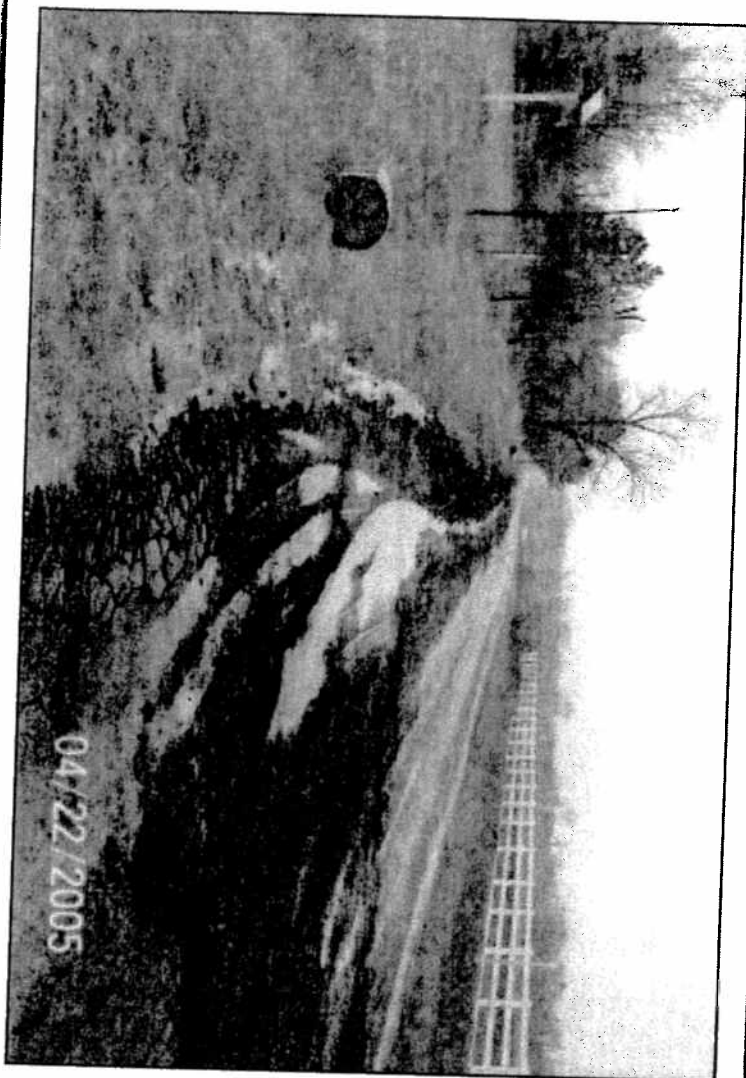


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